



STATE OF KANSAS  
DEPARTMENT OF WILDLIFE & PARKS

Office of the Secretary  
1020 S Kansas Ave., Room 200  
Topeka, KS 66612-1327  
Phone: (785) 296-2281 FAX: (785) 296-6953



January 8, 2004

Almena Irrigation District  
c/o Norman Nelson  
505 Sunset Drive  
Norton, KS 67654

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LEGAL SECTION  
KS DEPT OF AGRICULTURE

Dear Mr. Nelson:

Thank you for the telephone call. Following are the conditions of a lease between the State and the Almena Irrigation District for water in Norton Reservoir as we discussed.

The purpose of this lease would be to establish a minimum pool in Norton Reservoir during which time a permanent, comprehensive agreement for management of the system will be developed, including purchase of the Almena Irrigation District (AID) water right by the State. As we have discussed, our long term goal is to develop and implement a comprehensive solution in the Prairie Dog basin that results in: a sustainable level of irrigation, a higher, more-stable recreation pool in Norton Reservoir, and meeting the requirements of the Republican River Compact. We have had the opportunity to visit with the Bureau of Reclamation and make them aware that we are working towards a lease agreement. It is our understanding the Bureau will need to review any contracts or leases concerning water in Norton Reservoir. Also, we want to make sure the District understands that any lease will be subject to appropriations by the legislature. As we discussed, I will recommend to the Governor and the Legislature a lease containing the following conditions.

The District could withdraw water in any calendar year the water level in Norton Reservoir (Reservoir) exceeded elevation 2290. If the District began withdrawing water, it could continue withdrawing water until the water level reached elevation 2288. The District could not withdraw any water below elevation 2288.

The State would pay the District \$120,000 per year, with \$60,000 being paid on July 1, of each year and the remaining \$60,000 being paid on November 1, of each year.

If water has to be released from the Reservoir below elevation 2288, to achieve compact compliance, the State will reduce its lease payments for that year to the District by an amount proportional to the ratio of the amount of water released below 2288 and the reservoir content above elevation 2280. We agree with you that, in the short run, releasing water to achieve Compact compliance is not very likely, but it could happen.

The term of the lease would be for two years. During this time, the State and the District would negotiate in good faith, the elements of an agreement to achieve sustainable yield in the basin. The following elements are essential to this negotiation:

- 1) The purchase price for the sale to the State of the District's irrigation Water Right, File No. 6,938A.
- 2) The optimum elevation for the conservation pool that could be maintained in Norton Reservoir to meet long term recreation needs in the reservoir and achieve Compact compliance.
- 3) In order to meet the State's long term Compact obligation, the net consumptive use from the Basin, (e.g. the evaporation from Norton Reservoir and the irrigation use in the District) cannot be increased. DWR will need to determine the quantity of water right

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that, in the short run, releasing water to achieve Compact compliance is not very likely, but it could happen.

The term of the lease would be for two years. During this time, the State and the District would negotiate in good faith, the elements of an agreement to achieve sustainable yield in the basin. The following elements are essential to this negotiation:

- 1) The purchase price for the sale to the State of the District's irrigation Water Right, File No. 6,938A.
- 2) The optimum elevation for the conservation pool that could be maintained in Norton Reservoir to meet long term recreation needs in the reservoir and achieve Compact compliance.
- 3) In order to meet the State's long term Compact obligation, the net consumptive use from the Basin, (e.g. the evaporation from Norton Reservoir and the irrigation use in the District) cannot be increased. DWR will need to determine the quantity of water right reductions needed to offset the increase in evaporation from Norton Reservoir. The state will need to determine how to best acquire these water right reductions.
- 4) The effective date of the agreement.
- 5) The quantity, location and timing of the District's historic return flows needed to prevent impairment and achieve Compact compliance. We would need to determine if this would best be accomplished by: (a) storage of those return flows in an account in the Reservoir to be released later to prevent impairment, or if necessary, achieve Compact compliance, or (b) be released from, or bypassed through, the Reservoir as they have been historically.

We look forward to working with the District and will begin to draft a contract as soon as we receive your written confirmation of the District's intent to enter into the lease and to develop a permanent, comprehensive agreement for management of the system that includes purchase of the District's water right by the State.

Sincerely,



J. MICHAEL HAYDEN

Secretary, Kansas Department of Wildlife and Parks

cc.

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